

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) **Case No. 06-03010-01-CR-S-GAF**
)
JASON R. McDANIEL,)
)
Defendant.)

PRELIMINARY ORDER OF FORFEITURE

The matter is before the Court on the Motion of the United States for a Preliminary Order of Forfeiture. Forfeiture Allegations One and Two sought forfeiture of:

1. \$22,540 in United States currency seized from Jason R. McDaniel on March 22, 2005;
2. \$30,010 in United States currency seized from Jason R. McDaniel on July 15, 2008;
3. Green military style Kevlar jacket, seized from Jason R. McDaniel on May 10, 2006;
4. Ruger, New Model Super Blackhawk .44 caliber revolver;
5. Hi-Point, model C9 9 mm caliber pistol and ammunition;
6. Hi-Standard Sport King .22 caliber pistol;
7. Fabrica De Armas 1916, 7 mm caliber rifle;
8. Norinco Sporter 7.62 x 39 caliber rifle and ammunition;
9. Marlin model 60W .22 caliber rifle;
10. Assorted ammunition;
11. Ruger Ranch Rifle .223 caliber;
12. Howa Model 1500 .223 caliber rifle with scope;
13. SKS assault rifle with scope;
14. Harrington and Richardson Tamer Model SB1 .410 gauge shotgun;
15. Ithaca Model 37 .20 gauge shotgun;
16. J.P. Sauer and Sohn .44 caliber mag revolver pistol;
17. H and R Model 949, .22 LR revolver pistol;
18. Smith and Wesson Model SW40F .40 caliber semi auto pistol with magazine and ten .40 caliber rounds;
19. Remington 1911 Handgun with loaded magazine;
20. Walther .22 Handgun with loaded magazine; and
21. Partial Box of .22 caliber ammunition;

On January 28, 2009, defendant Jason R. McDaniel entered into a Plea Agreement with

the United States wherein he agreed to plead guilty to charges contained in Counts One, Two, Three, and Four of the Information and agreed to forfeit to the United States the property described above and in Forfeiture Allegations One and Two of the Information.

The Court has determined, based upon the evidence set forth in the Plea Agreement of defendant Jason R. McDaniel, that the United States has established the requisite nexus between the described property and the offenses to which defendant McDaniel has pled guilty.

By virtue of the Plea Agreement, the United States is now entitled to a Preliminary Order of Forfeiture and to possession of the property pursuant to 21 U.S.C. § 853(n).

Accordingly, it is hereby ORDERED:

1. Based upon the Plea Agreement and Forfeiture Allegations One and Two contained in the Information, the following property:

1. \$22,540 in United States currency seized from Jason R. McDaniel on March 22, 2005;
2. \$30,010 in United States currency seized from Jason R. McDaniel on July 15, 2008;
3. Green military style Kevlar jacket, seized from Jason R. McDaniel on May 10, 2006;
4. Ruger, New Model Super Blackhawk .44 caliber revolver;
5. Hi-Point, model C9 9 mm caliber pistol and ammunition;
6. Hi-Standard Sport King .22 caliber pistol;
7. Fabrica De Armas 1916, 7 mm caliber rifle;
8. Norinco Sporter 7.62 x 39 caliber rifle and ammunition;
9. Marlin model 60W .22 caliber rifle;
10. Assorted ammunition;
11. Ruger Ranch Rifle .223 caliber;
12. Howa Model 1500 .223 caliber rifle with scope;
13. SKS assault rifle with scope;
14. Harrington and Richardson Tamer Model SB1 .410 gauge shotgun;
15. Ithaca Model 37 .20 gauge shotgun;
16. J.P. Sauer and Sohn .44 caliber mag revolver pistol;
17. H and R Model 949, .22 LR revolver pistol;
18. Smith and Wesson Model SW40F .40 caliber semi auto pistol with magazine and ten .40 caliber rounds;
19. Remington 1911 Handgun with loaded magazine;

20. Walther .22 Handgun with loaded magazine; and
21. Partial Box of .22 caliber ammunition;

is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n):

2. Upon Entry of this Order, the Attorney General or his designee is authorized to seize the above-described property in accordance with Fed. R. Crim. P. 32.2(b)(3).
3. Pursuant to 21 U.S.C. § 853(n), the United States shall publish for 30 consecutive days on the Internet site www.forfeiture.gov, notice of this Order, notice of the United States' intent to dispose of the property in such a manner as the Attorney General may direct, and notice that any person, other than defendant Jason R. McDaniel, having or claiming a legal interest in the above-described property must file a petition with the Court (and serve a copy on Cynthia J. Hyde, Assistant United States Attorney), within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of this Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified.

4. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the Defendant at the time of sentencing (or before if the Defendant consents)

and

shall be part of the sentence and included in the judgment.

s/ Gary A. Fenner

Gary A. Fenner, Judge
United States District Court

DATED: March 12, 2009